



PLANNING COMMISSION SYNOPSIS

Thursday, January 21, 2016

CALL TO ORDER

Chairperson Nordstrom called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Nordstrom, Willette, Spiess, Batterson, Fischer, Goodrum, Bennett
STAFF PRESENT: Markegard, Centinario, O'Day

Chairperson Nordstrom led the attendees in the reciting of *The Pledge of Allegiance*.

ITEM 1 6:03 p.m.

CASE:	6807A-15
APPLICANT:	Acky-Bloomington, Limited Partnership (owner) CrossFit 952 (user)
LOCATION:	9341 Penn Avenue South
REQUEST:	Conditional Use Permit for CrossFit 952 located in an existing multi-tenant office/warehouse building

PUBLIC HEARING DISCUSSION:

Centinario stated the proposed application is for a CrossFit gym in an existing multi-tenant office/warehouse building. The floor plan shows demolition of walls to accommodate open space for equipment and class sessions. Exterior improvements include updating the lighting. Staff suggests replacing the wall packs with LED lighting to provide better light for the area. Staff recommended approval.

The public hearing was closed via a motion.

Spiess said she knows people who participate in crossfit training and thinks the proposal will be a good addition to the community.

Nordstrom stated the item is a final decision unless an appeal is received by 4:30pm on January 26, 2016.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Fischer: To close the public hearing. Motion carried 7-0.

M/Spiess, S/Willette: In Case 6807A-15, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for CrossFit 952 located in an existing multi-tenant office/warehouse building at 9341 Penn Avenue South, subject to the conditions and Code requirements listed in the resolution.
Motion carried 7-0.

RECOMMENDED CONDITIONS OF APPROVAL:

The Conditional Use Permit for CrossFit 952 located in an existing multi-tenant office/warehouse building at 9341 Penn Avenue South (Case 06807A-15) is subject to the following conditions:

- 1) CrossFit 952 be limited to the 3,999 square feet exercise facility space as identified in the plans submitted for Case 6807A-15.
- 2) Hours of operation are limited to 5:30am to 8:00pm without approval by the Planning Manager.
- 3) The total number of members attending a group session may not exceed 12 people without approval by the Planning Manager.
- 4) A building permit for all required changes to accommodate the proposed use be obtained.
- 5) Sewer Availability Charges (SAC) must be satisfied.

and, while the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirement:

- 1) Any business signage be in accordance with the Uniform Sign Design (Sec. 19.109).
- 2) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.

ITEM 2
6:08 p.m.

CASE:	9742AB-15
APPLICANT:	Nath Companies (developer) VSA, LLC (user)
LOCATION:	7817 and 7839 Portland Avenue South and 615 and 625 East 78 th Street
REQUEST:	Major revision to the Preliminary and Final Development Plan for exterior and parking lot modifications to an existing shopping center

SPEAKING FOR THE APPLICANT:

Peter Stork, 900 American Blvd E, #300, Bloomington, MN 55420
 Pratap Reddy, 17682 George Moran Drive, Eden Prairie, MN 55347

PUBLIC HEARING DISCUSSION:

Centinario provided the location of the proposed application and noted it includes four parcels owned by the same property owner. The site is zoned B-2 with a Planned Development overlay. He showed images showing existing conditions and proposed changes. The applicant is proposing improvements to the facade, updated lighting, replacement and widening of parking islands, and new landscaping. The parking stalls in front of Jimmy John's would be replaced with an outdoor patio. The project would re-establish a boulevard along Portland Avenue and install a new 8 foot wide sidewalk with landscaping along Portland Avenue. Staff believes there is more opportunity for landscaping between the sidewalk and the parking lot. In 2012, the parking lot setback from the property line was approved but staff is including it as a deviation with this application. With the proposed plan, the setback would be between 10 and 16 feet. Code requires 277 parking stalls and the applicant is proposing 228 parking stalls, which is approximately a 17% deviation from the Code. The proposed plan identifies 23 proof of parking stalls which lowers the deviation to 9%. In addition, staff recommends a 24 foot drive aisle to accommodate access between the property and the neighboring Walmart site. Staff believes the application meets the required findings and is recommending approval.

Spiess stated the landscaping and sidewalk improvements will help. She suggested installing a sign to inform drivers of pedestrian crossing between the two shopping malls on Portland Avenue.

Centinario stated he would forward the recommendation to the Engineering Department.

Batterson asked if there are parking considerations related to future restaurants.

Centinario noted that a Conditional Use Permit is required with restaurants. Staff reviews the number of proposed seats to calculate the required number of parking stalls. A large scale restaurant may not be accommodated at this site.

Peter Stork stated the property owners are excited to improve the site.

Pratap Reddy noted they are trying to improve the center.

The public hearing was closed via a motion.

Willette stated the proposed upgrades will be an improvement to the neighborhood.

Nordstrom noted the item moves to City Council on February 1, 2016.

ACTIONS OF THE COMMISSION:

M/Willette, S/Spiess: To close the public hearing. Motion carried 7-0.

M/Batterson, S/Spiess: In Case 9742AB-15, having been able to make the required findings, I move to recommend City Council approval of a Major Revision to the Preliminary and Final Development Plan for exterior and parking lot modifications to an existing shopping center located at 7819, 7839 Portland Avenue and 615 and 625 East 78th Street subject to the conditions listed in the staff report. Motion carried 7-0.

RECOMMENDED CONDITIONS OF APPROVAL TO THE CITY COUNCIL:

The following conditions must be satisfied prior to the issuance of development-related permits:

- 1) A site development agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
- 2) The property owner must sign a Proof of Parking agreement prepared by the City agreeing to construct additional parking spaces that would bring the site total to 256 parking spaces if ongoing overflow parking occurs.
- 3) The Grading, Drainage, Utility, Erosion Control, Traffic Control, Access, Circulation and Parking plans must be approved by the City Engineer.
- 4) A Hennepin County permit for work within the Portland Avenue right-of-way must be obtained and a copy submitted to the Engineering Division prior to work beginning in the right-of-way.
- 5) A Stormwater Management Plan must be provided and approved by the City Engineer prior to the issuance of grading permits if 50 cubic yards or 5,000 square feet is disturbed.
- 6) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre will be disturbed.
- 7) An Erosion Control Bond must be provided.
- 8) An external grease interceptor must be provided if the proposed tenant will have food preparation and service that will produce fats, oils, grease, or wax in excess of 100 mg/L. The external grease interceptor design must be approved by the Utilities Engineer. A grease interceptor maintenance agreement must be filed with the Utilities Division, if an external grease interceptor is installed.
- 9) Sewer Availability Charges (SAC) must be satisfied.
- 10) Bike racks must be provided throughout the site as approved by the City Engineer.
- 11) The applicant must provide plans showing turning radius movements for the appropriate emergency vehicle through the site, in both directions, to be approved by the Fire Marshall.

And subject to the following ongoing conditions:

- 12) All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
- 13) All loading and unloading must occur on site and off public streets.
- 14) Development must comply with the Minnesota State Accessibility Code.
- 15) Alterations to utilities must be at the developer's expense.

And while the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) Electronic utility as-builts, per City of Bloomington requirements, must be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy (17.79(a)).
- 2) A Tier II Transportation Demand Management (TDM) Plan must be submitted prior to the issuance of permits and approved by the City Engineer (21.301.09(b)(2)).
- 3) All unused water services must be properly abandoned (Sec. 11.15).
- 4) Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508).
- 5) Discharge of sanitary effluent containing fats, oil, grease, or wax in excess of 100mg/L is prohibited (11.31(6)(B)).
- 6) Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
- 7) Exterior building materials be approved by the Planning Manager (Sec. 19.63.08).
- 8) Landscape plan be approved by the Planning Manager and landscape surety be filed prior to issuance of building permits (Sec 19.52).
- 9) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
- 10) Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
- 11) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
- 12) Recyclable materials must be separated and collected (Sec. 10.45).
- 13) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
- 14) All rooftop equipment must be fully screened (Sec. 19.52.01).
- 15) Sign Design must be in conformance with the requirements of Chapter 19, Article X of the City Code.

ITEM 3
6:35 p.m.

APPLICANT: City of Bloomington

REQUEST: Consider approval of draft Planning Commission meeting synopsis:
• 12/17/15

ACTIONS OF THE COMMISSION:

Bennett noted a spelling error within the draft minutes.

M/Bennett, S/Willette: I move to approve the synopsis of the 12/17/15 Planning Commission as amended.

Motion carried 7-0.

The meeting adjourned at 6:27 p.m.

Prepared By: EO **Reviewed By:** GM, MC

Approved By Planning Commission: February 25, 2016